

LAW OFFICES
COHEN, PLACITELLA & ROTH
A PENNSYLVANIA PROFESSIONAL CORPORATION
127 MAPLE AVENUE
RED BANK, NEW JERSEY 07701

(732) 747-9003
FAX (732) 747-9004
www.cprlaw.com

PHILADELPHIA, PA
LEMOYNE, PA
BALA CYNWYD, PA
PITTSBURGH, PA
CHERRY HILL, NJ



CHRISTOPHER M. PLACITELLA
MANAGING NJ ATTORNEY

November 10, 2017

VIA EMAIL

Eugene F. Assaf, P.C.
Kirkland & Ellis LLP
655 Fifteenth Street, N.W.
Washington, DC 20005
eugene.assaf@kirkland.com

Re: *Williams, et al. v. BASF Catalysts LLC, et al.* – No. 11-1754

Dear Gene:

I write in response to the letters you sent over the last couple of days and our recent phone calls.

We did not discuss, but your November 8, 2017 letter is mistaken concerning the Chernick file production and what we produced. You were informed that the production of the Chernick file will take longer because it is complicated by the fact that it involves an open case, not the size of the file. Further, our records reflect that we produced 446 documents and not 260 as your letter states.

It is our understanding that we have produced to you everything turned over to us by original counsel related to the files of the Named Plaintiffs. As I told you, we are expecting a print out of Bevan's client table concerning the Named Plaintiffs that we will review and produce or log for Justice Rivera Soto by Monday.

We disagree as to whether Defendants are entitled to the information on the table for any Bevan client other than the Named Plaintiffs. In that regard, we disagree that the information contained in Bevan's data on putative class members is the same as that maintained by Cahill. For instance, we understand that aside from listing every case throughout the country filed against BASF, obviously including those filed by lawyers other than Bevan, Cahill's database contained the outcome of those cases and the reasons why. The two are not at all the same. Moreover, Bevan is not a party while Cahill is. This is an issue we will address with the SDM.

Regarding the Early files, our impression is the reference to a November 2, 2017 due date in the Court's Order is in error. *See* 10/26/17 Hr'g. Tr. 148–153. The Order is at odds with the

Eugene F. Assaf, P.C.

November 10, 2017

Page 2

transcript and the due date precedes the time for appeal of the Order itself. Notwithstanding this inconsistency and the right to appeal, it is my understanding we will have the Early files shortly. The attorney in charge was apparently out of the office until recently as stated in Mr. Little's email to you yesterday.

You have requested documents, including procedure and policies of the Bevan Firm. We will consider these in accordance with the Federal Rules of Civil Procedure.

You have asked for information concerning any agreement we have with the Bevan Firm. We do not believe that you are entitled to that information and have no record of receiving a formal discovery request that we need to respond to at this point. This will be an issue for the SDM to resolve.

Your letters continue to raise questions about what we knew about the Bevan's file storage. We have discussed this, but still have some fundamental differences remaining, particularly about what was conveyed to the SDM and the significance, if any.

Lastly, as we agreed, we will use Excel's random number assignment function to achieve the random selection of putative class files from the Bevan office ordered for production by the SDM.

Sincerely,

/s/ Harry M. Roth

Harry M. Roth